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**MEMO ENDORSED**

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February 22, 2021

**VIA CM/ECF**

The Honorable Katherine Polk Failla  
United States District Judge for the Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

**Re: Benson v. Voss Events, Inc., Case No. 1:20-cv-6874-KPF**  
**Consent Letter Motion to Extend Time to Respond to Letter Motion**  
**to Compel Arbitration and Limit Discovery**

Dear Judge Failla:

This Firm Represents Plaintiff Chancelor Dayne Benson (“Plaintiff” or “Mr. Benson”) in the above-referenced matter. Pursuant to Fed. Rule Civ. P., Rule 6(b), Local Rule 7.1(d) and Judge Failla’s Individual Rules of Practice in Civil Cases, Rule 2(D), we respectfully submit this Consent Letter Motion to Extend Time to Respond to Defendant’s Motion to Compel Arbitration and Limit Discovery.

This Letter Motion arises from the unresolved dispute between Plaintiff and Defendant as to the extent in which discovery should proceed prior to the determination if the case should proceed to arbitration or via this honorable court. The parties have jointly conferred on each of the subjects to be considered pursuant to Fed. R. Civ. P. 16. The parties disagree as to whether discovery should be stayed as to all other issues except arbitrability. Plaintiff asserts that all discovery should proceed. Defendant’s position is that discovery should be limited to the issue of arbitrability until the issue is resolved.

Under Fed R. Civ. P 6(b)(1), Local Rule 7.1(d) and IRP Rule 2(D), the Court may enlarge the time for filing pleadings for good cause shown. Because Plaintiff’s response is otherwise due on March 2, 2021, Plaintiff requests until March 16, 2021 to submit Plaintiff’s response in opposition to Defendant’s Letter Motion to Compel Arbitration and Limit Discovery. The grounds for this Motion are as follows:

1. Defendant filed its Letter Motion to Compel Arbitration and Limit Discovery on February 16, 2021. [ECF 35].
2. Plaintiff’s time to respond to the Letter Motion is March 2, 2021.

3. The undersigned counsel has been preparing a response to the motion, and finds that due to other case commitments, and numerous scheduled depositions, makes completion of the response motion additionally burdensome.
4. The undersigned counsel discussed this with opposing counsel on February 22, 2021 and opposing counsel consents to the relief requested herein.
5. Plaintiff has not previously filed a Letter Motion for Extension of Time in this matter related to this or any other issue.
6. The requested relief does not conflict with any other scheduled dates in the current Scheduling Order.
7. Defendant will not be prejudiced by the extension. However, Plaintiff will be unduly prejudiced by a denial of this motion.
8. As demonstrated herein, good cause exists to grant the relief request in the Motion.

Plaintiff Chancelor Benson, respectfully requests this Honorable Court grant this Motion to order that Plaintiff's response in opposition to Defendant's motion shall be filed on or before March 16, 2021.

I thank the Court for its consideration of this request.

Dated: This 22<sup>nd</sup> day of February, 2021.

Respectfully submitted,

/s/ Jillian T. Weiss

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via CM/ECF on February 22, 2021, on all counsel or parties of record, below:

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/s/ Jillian T. Weiss  
Jillian T. Weiss

The Court is in receipt of Defendant's letter dated February 16, 2021 (Dkt. #35) and Plaintiff's letter dated February 22, 2021 (Dkt. #37), which letters discuss Defendant's request to pursue a motion to compel arbitration and the parties' dispute over discovery. The Court anticipates discussing and resolving these scheduling issues at the initial pretrial conference scheduled for February 23, 2021.

Dated: February 22, 2021 SO ORDERED.  
New York, New York

*Katherine Polk Failla*

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE